

Response Under 37 CFR §1.116
Expedited Procedure
Examining Group 1632

CASE 4-31360A/USN

6.16.04

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Angela Gehring
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Angela Gehring
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2/3/2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1632

LABOW ET AL.

APPLICATION NO: 09/813,492

FILED: MARCH 21, 2001

FOR: MAMMARY GLAND CHEMOKINE

MS: After Final
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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AMENDMENT AFTER FINAL REJECTION

Sir:

In response to the Final Rejection, dated December 03, 2003, having a period of response set to expire March 3, 2004, Applicants respectfully request reconsideration of the application in view of the remarks below.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

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Claims 1, 2 and 7-17 are rejected under 35 USC 112, second paragraph as being indefinite for reciting "stringent conditions" or "highly stringent conditions" which the Examiner contends are not described in the specification in such a way as to define these terms. The Examiner alleges the specification does not describe the full breadth of what is encompassed by these terms and although the specification provides one algorithm for determining "highly stringent" conditions, it does not provide any other algorithm that may be used or how to determine "stringent" conditions.

Applicants have herein amended claims 1, 7, and 16 to eliminate recitation of "highly stringent" or "stringent" conditions. Applicants submit that as amended herewith, the Claim 1, 7, 16 and the claims dependent thereon comply with 35 USC 112, second paragraph, and respectfully request that this rejection be withdrawn.

In view of the foregoing, Applicants have amended the claims to place the application in condition for Allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If there are any fees due in connection with this communication, including any fees for a required extension of time, such an extension is requested and the Commissioner is authorized to charge the fees to Deposit Account No. 19-0134 in the name of Novartis.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(617) 871-3356


Regina Bautista
Attorney for Applicants
Reg. No. 46,280

Date: 2-3-04